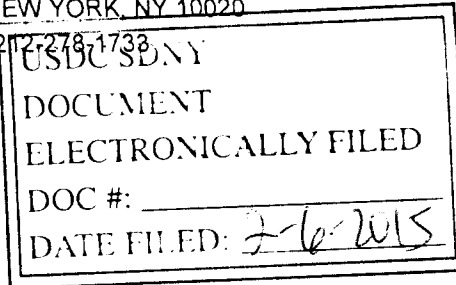


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February 5, 2015

By ECF

Hon. Laura Taylor Swain
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MAILED 2015

Re: *Excess Line Association of New York v. The Hanover Insurance Co. et al.*
Case No.: 14 Civ. 08345 (LTS) (GG)

Dear Judge Swain:

We are counsel to Plaintiff Excess Line Association of New York in the above-referenced action and write to inform Your Honor that the parties have finalized settlement terms for resolution of this action.

The parties presently are in the process of executing the final settlement documents. A key part of the settlement is that the parties are agreeing to file a voluntary Stipulation of Dismissal of the action **without prejudice**, pursuant to Fed. R. Civ. P. 41(a)(1), within five (5) business days of full execution of the settlement agreement. In order to execute the Settlement Agreement in accordance with this term, therefore, we respectfully request that Your Honor either: (1) vacate the January 16, 2015, Order (Document No. 20) (which had administratively dismissed the action with prejudice to allow the parties to finalize settlement terms without the need for the Court to enter a scheduling order); or (2) reopen the matter to allow the filing of the Stipulation of Dismissal without prejudice.

The parties intend to submit the Settlement Agreement to Your Honor to be "So Ordered," so that the Court may retain jurisdiction for enforcement purposes, if necessary.

We thank Your Honor for considering this request.

The parties may submit a settlement stipulation that includes a provision vacating the "with prejudice" dismissal provision of the prior order.

Respectfully submitted,

SO ORDERED:

Dennis J. Nolan

DJN:mf

cc: Gary Meyerhoff, Esq. (MONAHAN)

UNITED STATES DISTRICT JUDGE

New York, NY ■ Ventura, CA ■ Stamford, CT ■ Washington, DC ■ Newark, NJ ■ Philadelphia, PA ■ Dallas, TX